

Proposed Curbs on Dial-a-Porn Are Seen Reducing Access to All Dial-Up Services

By BOB DAVIS

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WASHINGTON—Would killing dial-a-porn kill dial-a-joke too?

Congressional negotiators are considering proposals that would require phone companies to make it hard for kids to call up sexually explicit message services. And, on their own, some phone companies are launching plans to cut off dirty-dialing messages, or, at least, let parents block calls to dial-a-porn numbers from home.

But dial-up services for sports scores, stock quotes, horoscopes and the like worry that restrictions will be placed on their offerings, too, causing a hassle for consumers to call any dial-up service. That could doom the dial-up market, says Bruce Fogel, chairman of Phone Programs Inc., a New York company that offers a dozen dial-up programs. "Pornography will survive, but the information age will come to an end," he worries.

A House-Senate conference hopes to settle on a dial-a-porn proposal and approve it, perhaps as early as today. But striking a compromise will be tough because lawmakers fiercely disagree about what should be done.

From Human to Animal

Hardliners, for instance, want a law that bans all obscene and indecent speech over the telephone. "The battle should be carried to the Supreme Court," argues Rep. William Hennemeyer, a California Republican. Dial-a-porn, he says, "moves sexuality from the human level to the animal level."

But moderates contend a dial-a-porn ban would probably be unconstitutional. So rather than go through the exercise of trying to ban speech, these lawmakers are turning to technology for a solution.

Dial-a-porn services, which offer recorded messages of women panting and moaning, use the same telephone exchanges, 976 and 900, as more mundane dial-up services. Lawmakers now are privately debating plans that would require phone companies to offer a service where parents could, free of charge, block their home phones from being able to connect with these dial-up exchanges. Other proposals would require consumers that want to use 900 or 976 services either to register in advance or pay by credit card.

House Telecommunications Committee Chairman Edward Markey, who is one of five House lawmakers negotiating on the

dial-a-porn issue, figures that these restrictions would keep a lot of kids from calling pornographic services. "The goal is to limit the access of minors," the Massachusetts Democrat says. "Constitutionally, it's difficult to limit the access by adults."

But dial-up companies that don't offer steamy messages say that blocking and subscription schemes would kill their businesses. They depend on consumers making snap decisions to call a phone number to get, say, the results of a Lakers-Celtics game.

Annual revenue of general interest dial-up services total about \$186 million, estimates Information Industry Bulletin, a Stamford, Conn., industry newsletter. That compares with dial-a-porn revenue of \$54 million and revenue of about \$90 million

to all 976 dial-up services, and soon plans to give consumers the option of just blocking calls to adult messages or gab lines. So far 450,000 subscribers have signed up for the 976 blocking service. New York Telephone, a part of Nynex Corp., plans to offer—for a one-time charge of \$5—call blocking to dial-a-porn and chat lines.

Some Democratic lawmakers want to make these plans mandatory—and free. According to several plans under consideration, phone companies would be required to assign different phone number exchanges to dial-a-porn services, gab lines and general dial-up services. Telephone companies then could let consumers block dial-a-porn or gab-line numbers, for free, or require consumers to subscribe to those services in advance.

Exempting but Harming

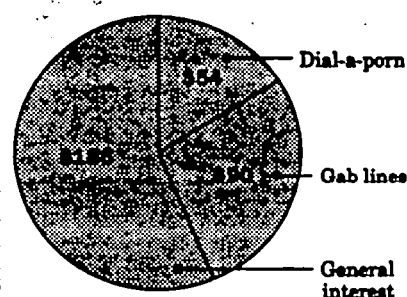
These proposals exempt general interest services but could harm them anyway. American Telephone & Telegraph Co. warns that it will abandon its dial-up service, which uses the 900 exchange, if Congress requires call-blocking or subscription. AT&T says it doesn't have the computer software to comply with the requirement. (AT&T, however, has largely chased dial-a-porn services off the 900 exchange by ending the fees it once paid all dial-up services and refusing to do billing for dial-a-porn concerns.)

Blocking proposals doesn't satisfy anti-pornography advocates. Rep. Thomas Bliley, a Virginia Republican who has been campaigning against dial-a-porn for five years, says blocking home phones won't stop kids from finding another phone to call up obscene messages. Brad Curl, co-founder of the National Decency Forum in Washington, D.C., says telephone companies should simply refuse to carry dial-a-porn services. "Why fool around with blocking and screening?" he asks.

But the law governing the shutdown of dial-up services is unclear and varies by jurisdiction. BellSouth Corp.'s Southern Bell unit disconnected dial-a-porn services in Atlanta and Miami in 1984, in actions that were upheld by a federal appeals court in Atlanta. A federal district court in California, however, last year stopped Pacific Bell from disconnecting dial-a-porn services. Now Pacific Bell is suing to cut off a dozen dial-a-porn operators, claiming that under a new California regulation, it can shut down services that "damage" Pacific Bell's reputation.

Dial-Up Market

Annual revenue from dial-up services total an estimated \$330 million. The breakdown:



Source: Information Industry Bulletin

from so-called gab lines, where customers call up and chat with others who are on the line. Gab lines have a reputation only slightly better than dial-a-porn among some parents because teen-agers run up steep phone bills talking for hours. Most dial-up services charge about 50 cents a minute, but dial-a-porn messages can run a few dollars for the first minute.

Independent of Congress, several local phone companies already are introducing plans to block calls to porn and gab lines because of complaints by subscribers. Bell Atlantic Corp. plans to block all porn and gab lines in Pennsylvania and Maryland. Customers there that want to dial these services would have to write the phone companies to unblock the lines.

Pacific Bell, a unit of Pacific Telesis Group, lets consumers block calls for free



'Dial-a-Porn' Rider May Snag Education Bill

A Republican move to force a House floor vote the week of Feb. 15 on banning "dial-a-porn" services could snag, at least temporarily, efforts to hammer out a final version of legislation reauthorizing federal aid to elementary and secondary education.

At the urging of Jesse Helms, R-N.C., the Senate Dec. 1 attached a rider to the \$7.4 billion education bill (HR 5) outlawing telephone services that allow a caller to dial a toll number to hear pornographic recordings. The issue is sensitive because of cases in which children have learned of, and called, the numbers. (1987 *Weekly Report* p. 2996)

The House bill contains no comparable language, but a test floor vote on the issue could come Feb. 17. GOP advocates of the ban have won agreement that they may offer a motion that day to instruct House conferees to accept the Senate dial-a-porn rider.

Even if approved, such an instruction would not be binding on House conferees, according to the House parliamentarian's office.

But as a practical political matter, it would make it difficult for House conferees to ignore the dial-a-porn amendment. They did just that in 1986, when a similar rider was quietly dropped from the final version of an anti-drug bill. (1986 *Almanac* p. 97)

When House leaders Feb. 9 named conferees for HR 5, five of those chosen — three Democrats and two Republicans — were from the Energy and Commerce Committee and were assigned exclusively to deal with the dial-a-porn question. That left the remaining 23 conferees, all from the Education and Labor Committee, free to negotiate everything else in the education bill. Conferees are expected to start meeting in March.

The Federal Communications Commission has tried to write regulations restricting dial-a-porn, but the rules have not survived court challenges. Some congressional Democrats believe a legislative ban would likely be found unconstitutional.

The Helms amendment, which

simply strikes one paragraph and 14 words from the Communications Act of 1934, would prohibit the use of a telephone for "any obscene or indecent communication for commercial purposes," whether directly or by recording. Proponents say current law bans obscene use of a telephone only by a person placing a call; the language change would ban obscene communication regardless of who places the call.

Violations would be punishable by a \$50,000 fine or six months in jail.

The Helms language was introduced as a separate bill (HR 1786) in the House March 25 by Thomas J. Bliley Jr., R-Va., who is one of the Energy and Commerce conferees for the education bill. Bliley's bill has yet to emerge from committee.

Key House-Senate Differences

The rest of the education-bill conference seems likely to proceed smoothly. There are few differences between the House and Senate versions, and most appear easy to work out, according to Augustus F. Hawkins, D-Calif., chairman of the House Education and Labor Committee.

Among the key differences are the following:

Concentration Grants. These are a new form of the federal government's compensatory education, or "Chapter 1," grants for disadvantaged schoolchildren, targeting extra money to school districts with high rates of poverty. Under the House bill, the grants would go to counties with at least 6,500 eligible children, or 15 percent of enrollment. The Senate version uses a two-part formula. Half the money would be distributed to school districts with more than 5,000 poor children, or 20 percent of enrollment. The other half would go to districts through a new grant formula.

Bilingual Education. The most contentious policy disputes — whether to give more money to alternative "English only" programs — were settled last year by compromise language included in each chamber's bill. But important differences remain on funding formulas.

The House bill would guarantee at least the 1987 level of grants for traditional bilingual-education programs. It also would allow the secretary of education to spend up to 75 percent of any additional funding for alternatives, with the remaining 25 percent of new money for traditional programs.

The Senate bill gives the secretary authority to spend 25 percent of total bilingual education grants on alternative programs, regardless of the funding levels. The Senate bill also would limit to five years the amount of time a student may remain in a bilingual education program. The House bill has no similar time limitation. (1987 *Weekly Report* p. 856)

Impact Aid. The two bills take different approaches to this program, which grants money to school districts whose school populations are boosted by federal activities such as military bases, government offices, Indian lands or low-rent housing.

The House version extends the program with no substantive changes. The Senate bill creates a new payment formula, modifies entitlement levels and makes a number of other technical changes.

Magnet Schools. The House would provide \$115 million for 1988 and "such sums as may be necessary" through fiscal 1993. The Senate bill would provide \$115 million in 1988, rising to \$140 million in 1993. The Senate bill also authorizes a new Magnet Schools for Educational Improvement program, which would support magnet schools in districts with high percentages of minority students but whose magnet-school programs are not aimed at desegregation. The authorization would be \$35 million for 1989, rising to \$43 million in 1993. If this program were funded, however, desegregation-related magnet-school funding would have to be at least \$100 million a year.

President Reagan plans to seek \$115 million in fiscal 1989 for magnet-school funding, with flexibility to use some of the money in districts that are not engaged in desegregation efforts. (Weekly Report p. 178).

—By Patrick L. Knudsen